

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Applications of Comcast Corporation,	)	MB Docket No 14-57
Time Warner Cable Inc., Charter	)	
Communications, Inc., and Spinco	)	
To Assign and Transfer Control of	)	
FCC Licenses and Other Authorizations	)	
	)	
	)	
	)	

**REPLY COMMENTS OF  
AMERICAN COMMUNITY TELEVISION  
SOUTHEAST ASSOCIATION OF TELECOMMUNICATIONS  
OFFICERS AND ADVISORS**

BUNNIE RIEDEL  
American Community Television  
8775 Centre Park Drive, #255  
Columbia, Maryland 21045  
410-992-4976  
riedel@acomunitytv.org

*EXECUTIVE DIRECTOR*

MICHAEL WILLIAMS  
SouthEast Association of  
Telecommunications Officers & Advisors  
PO Box 1176  
Pineville, North Carolina 28134  
704-541-5787  
[seatoa@carolina.rr.com](mailto:seatoa@carolina.rr.com)

*VICE PRESIDENT*

September 23, 2014

## Summary

American Community Television (“ACT”) and SouthEast Association of Telecommunications Officers and Advisors (“SEATOA”), respectfully submit these reply comments both as ACT individually and as ACT and SEATOA (“ACT Commenters”) in the matter of MB Docket No 14-57, the Applications of Comcast Corporation, Time Warner Cable Inc., Charter Communications, Inc., and Spinco to Assign and Transfer Control of FCC Licenses and Other Authorizations.<sup>1</sup>

## INTRODUCTION

As stated in our initial comments, Public, Educational and Government (PEG) access television has served the local public interest for over fifty years. This public interest includes providing local government transparency, educational programming, nonprofit entity programming and opportunities for **local** free speech and political discourse. Additionally, PEG access television provides other government entities tens of millions of dollars in free air time each year airing such programs as Road to Recovery (US Department of Health and Human Services); NASA Discovery; ArmyNewswatch (produced by Soldier’s Radio and Television and the Defense Media Activity); Into the Fight (Air Force); Air Force News; Smithsonian National Gallery of Art; as part of the compensation local communities receive for allowing the cable operators use of the public rights of way. It was the cable operators that proposed giving PEG channels years ago as part of the competitive process of being awarded the first franchise agreement with the local communities. It is disingenuous for the cable operators to now shun these valuable local media outlets. The Commission must ensure these local outlets survive in the coming years.

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<sup>1</sup> Since our first filing, Spinco is now referred to as Midwest Cable with a DBA of GreatLand Connections.

Regardless of the millions of hours of community programming provided by PEG access television, and the critical role it plays in keeping communities informed, PEG access has suffered setbacks to include loss of funding, channels and capabilities. ACT recognizes the proposed transactions will likely mean greater negative PEG practices (by the parties in this proposed transaction) and will likely become more widely spread in those states that become Comcast, Charter or the Charter operated Midwest Cable territories.

We request that the Commission protect PEG access television by rejecting the proposed transaction as not being in the public interest or if the Commission decides to allow the merger to proceed, conditioning the proposed transactions on curing the various problems we outline in these and our prior comments with significant conditions to protect PEG and prevent further consolidation of the traditional cable industry.

### **Agreement With Other Commenters**

ACT agrees with the National Association of Telecommunications Officers and Advisors (NATOA) in its comments regarding the use of PEG funds for both capital and operating expenses.

*“For many PEG operators, the ability to use these funds for any PEG-related purpose would enable them to provide better services to their communities and, in some cases, keep the doors open and continue to operate. For example, the spending restriction sometimes creates situations where updated capital equipment is available, but with no staff to operate it, or where a capital facility may exist, but with no annual operating funds to keep it running.”*  
(See NATOA comments at 5)

While we are wary of a voluntary commitment that has no force of law, requiring Comcast, Charter and Midwest Cable to make such a voluntary commitment would be a step in the right direction. Further, we agree with NATOA in calling for the requirement that Comcast treat PEG channels the same as the local broadcast channels.

*“For example, ensure that onscreen menus provide PEG programming information; protect PEG channel placement; provide HD channel carriage; not impose any additional equipment requirements to receive PEG programming; and provide video on demand capabilities.” (See NATOA comments at 4)*

Much of NATOA’S position is echoed in the comments of the Alliance for Community Media (ACM) and the Alliance for Communications Democracy (ACD). ACM and ACD provided a list of requirements that should be imposed on Comcast, Charter and the spin-off company (Midwest Cable).

- *... Comcast, Charter and SpinCo should be required to make all PEG channels on all of their cable systems universally available on the basic service tier, in the same format as local broadcast channels, unless the local government specifically agrees otherwise. (See ACM comments at 10)*
- *... Commission should protect PEG channel positions. (See ACM comments at 11)*
- *... [T]he Commission should prohibit Comcast, Charter and SpinCo from discriminating*

*against PEG channels, and ensure that PEG channels will have the same features and functionality, and the same signal quality, as that provided to local broadcast channels.*

*(See ACM comments at 12)*

- *... [T]he Commission should require that all PEG programming is easily accessed on menus and easily and non-discriminatorily accessible on all the Applicant's platforms.*

*(See ACM comments at 13)*

- *... [T]he Commission should require that PEG channels have the ability to be distributed on HD tiers.* *(See ACM comments at 15)*

These concerns were also raised by the Consumer's Union, Common Cause and the Writers Guild of America, West.

ACT is heartened to see various cities throughout the country express their support for PEG access television in the face of these significant transactions. Martin J. Walsh, the Mayor of Boston cited the long history of PEG access television in Boston and the benefits it brings his city. He further stated:

*"... Comcast cannot disadvantage PEG signals, or relegate them to second-class status as compared to other signals, and particularly, local broadcast signals. PEG programmers should be able to take full advantage of the advances in cable television technology as Comcast improves its systems, and develops new platforms for video delivery."* *(See Boston comments at 7)*

In addition, the cities of Eagan; Minnesota and New York City filed comments reflecting the sentiment of the City of Boston, to include the issue of "channel slamming." Channel slamming is when PEG access television channels are moved from their Basic tier position to the high end digital tier, frequently to channels in the 600's and 900's. Most often, subscribers must rent additional equipment to access these channels at additional cost to themselves. While Comcast has not practiced this widely, Charter has certainly done this with abandon and with little regard to the local community and Charter would likely continue this slamming when it operates the Midwest Cable properties.

Finally, a host of local PEG access operations cited the concerns previously mentioned here. They were joined in their concern by associations representing PEG access television, as well as ninety-five (95) national and local media justice groups.<sup>2</sup>

## **Conclusion**

It is clear that a large swath of associations, consumers groups, media justice groups and PEG access organizations, recognize the magnitude of these transactions and transfers of ownership and the potential harms that could affect PEG access in a significant part of the country.

We ask the Commission to take these concerns seriously and to accommodate and protect PEG access television in this proceeding.

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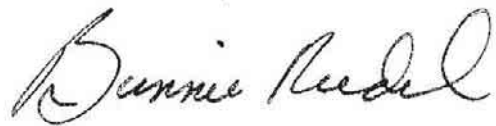
<sup>2</sup> To include Wisconsin Community Media, Ramsey-Washington Suburban Cable Commission and the Minnesota Association of Community Telecommunications Administrators.

We hope the Commission will reflect the value local communities place on this uniquely democratic and transparent public interest media (PEG Access channels) in its final requirements in the proposed transactions.

**CERTIFICATION PURSUANT TO 47 C.F.R. § 76.6(a)(4)**

The below signed signatory has read the foregoing Consolidated Opposition to Comcast Appeals of Local Rate Orders, and, to the best of my personal knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and it is not interposed for any improper purpose.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bunnie Riedel".

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BUNNIE RIEDEL  
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Columbia, Maryland 21045  
410-992-4976  
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